



General Assembly

January Session, 2003

Raised Bill No. 850

LCO No. 2903

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING MARINE FISHERIES REPORTING
REQUIREMENTS AND LICENSES FOR COMMERCIAL FISHING.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-1 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 Words and terms used in this chapter shall be construed as follows:

4 (1) "Animal" includes birds, quadrupeds, reptiles and amphibians.

5 (2) "Bait species" means all species of fish, frogs, crustaceans and
6 insects listed as bait in the regulations issued by the Commissioner of
7 Environmental Protection.

8 (3) "Black bass" means small mouth bass (*Micropterus dolomieu*)
9 and large mouth bass (*Micropterus salmoides*).

10 (4) Repealed.

11 (5) "Closed season" means that period of time during which
12 hunting, trapping or fishing is prohibited for any species of wildlife.

13 (6) "Commercial fisherman" means any person, firm or corporation
14 engaged in commercial fishing.

15 (7) "Commercial fishing" means taking or attempting to take any
16 finfish, crustacea, sea scallops, squid, horseshoe crabs or bait species
17 for commercial purposes or by the use of any commercial fishing gear.

18 (8) "Commercial fishing gear" means any equipment commonly
19 used to take finfish, crustacea, sea scallops, squid, horseshoe crabs or
20 bait species for commercial purposes including, but not limited to,
21 lobster pots, otter trawls, beam trawls, balloon trawls, midwater
22 trawls, sea scallop dredges, scoop nets, scap nets, seines, trap nets, fyke
23 nets, crab traps, gill nets, trammel nets, set lines, long lines, hook and
24 line if such fishing is conducted for commercial purposes, minnow
25 seines, minnow traps, eel pots, fish pots, pound nets, throw nets or
26 similar devices and any equipment listed as commercial fishing gear in
27 regulations adopted by the Commissioner of Environmental
28 Protection.

29 (9) "Commercial hatchery" means an institution or place where
30 legally acquired fish are held, hatched and reared for sale or where fish
31 so acquired or hatched are reared or held for sale in waters which are
32 under complete control of the owner.

33 (10) "Daily bag, catch or creel limit" means the quantity or number
34 of wildlife allowed to be taken during the period from 12:01 a.m. to
35 12:00 midnight as provided by this chapter or by regulations made by
36 the Commissioner of Environmental Protection.

37 (11) "Grouse" includes ruffed grouse, partridge and spruce grouse.

38 (12) "Hunting" means pursuing, shooting, killing and capturing any
39 bird, quadruped or reptile and attempting to pursue, shoot, kill and
40 capture any bird, quadruped or reptile, whether such act results in
41 taking or not, including any act of assistance to any other person in
42 taking or attempting to take any such animal.

43 (13) "Quadruped" means any four-legged animal which is ferae
44 naturae or wild by nature, although such animal may be enclosed and
45 considered a pet or semidomesticated, but shall exclude purely
46 domesticated animals.

47 (14) "Pickerel" means the chain pickerel (*Esox niger*), not the dwarf
48 species referred to variously as the banded pickerel (*Esox americanus*),
49 grass pike, grass pickerel, mud pike or brook pickerel.

50 (15) "Private waters" means a natural or artificial pond or lake to
51 which the owner, not a corporation, partnership or voluntary
52 association, has exclusive right of access, of which water supply all
53 sources are located substantially within the property of the owner, to
54 which fish do not have access from waters not under the control of
55 such owner or from water stocked at the expense of the state, except
56 that a natural or artificial pond five acres or less in extent may be
57 owned by an individual, a corporation, partnership or voluntary
58 association and, when meeting the other requirements of this
59 subsection, such pond may be registered as private waters.

60 (16) "Seafood dealer" means any person or entity, other than the
61 final consumer, who purchases, ships, consigns, transfers, transports,
62 barters, accepts or packs lobsters, sea scallops, finfish, crabs, including
63 horseshoe crabs, or squid directly from a commercial fisherman for
64 resale or any commercial fisherman who sells, ships, consigns,
65 transfers or barters their own catch of said species to anyone other than
66 a seafood dealer.

67 [(16)] (17) "Set line" means a line fastened between two points, to
68 which is attached a number of smaller lines with hooks attached, but a
69 single line not personally attended may constitute a set line.

70 [(17)] (18) "Sport fishing" means taking or attempting to take any
71 fish, crustacea, sea scallops, squid, horseshoe crabs or bait species
72 whether from salt, brackish or fresh water by any method other than
73 by commercial methods specified by law and regulations of the

74 Commissioner of Environmental Protection for commercial purposes.

75 [(18)] (19) "Taking" means shooting, pursuing, hunting, fishing,
76 killing, capturing, trapping, snaring, hooking and netting any species
77 of wildlife and attempting to shoot, pursue, hunt, fish, kill, capture,
78 trap, snare, hook, net or catch any species of wildlife or any act of
79 assistance to any other person in taking or attempting to take such
80 wildlife whether or not such act results in the capture of any such
81 wildlife.

82 [(19)] (20) "Trapping" means pursuing, killing and capturing by use
83 of any trap, snare, net or other device any bird or wild or domestic
84 quadruped, excluding rats, mice, moles and reptiles, whether such act
85 results in taking or not, including any act of assistance to any other
86 person in taking or attempting to take any such animal by any such
87 method.

88 [(20)] (21) "Trout and salmon" includes brook trout or speckled
89 trout, brown trout, rainbow trout, lake trout, Atlantic salmon, kokanee
90 or sockeye salmon, coho salmon, chinook salmon or any hybrid of any
91 two or more of these species.

92 [(21)] (22) "Wildlife" means all species of invertebrates, fish,
93 amphibians, reptiles, birds and mammals which are *ferae naturae* or
94 wild by nature.

95 Sec. 2. Subsection (a) of section 26-157b of the general statutes is
96 repealed and the following is substituted in lieu thereof (*Effective*
97 *October 1, 2003*):

98 (a) Each person who engages in commercial fishing in the waters of
99 this state, lands lobsters, sea scallops, finfish, crabs, [or] including
100 horseshoe crabs, squid or bait species for commercial purposes in this
101 state regardless of where such species are taken, [purchases finfish,
102 lobsters, crabs, sea scallops, squid or bait species from commercial
103 fishermen for resale] operates as a seafood dealer, as defined in section

104 26-1, as amended by this act, or holds any commercial fishing license
 105 issued by the commissioner, license to take lobsters for personal use,
 106 license to take menhaden for personal use, license to buy finfish,
 107 lobsters, crabs, sea scallops, squid or bait species for resale, license to
 108 land lobsters, sea scallops, finfish, crabs, or squid or pound net
 109 registration shall report to the commissioner, at such intervals and at
 110 such times as may be required and upon forms provided by the
 111 commissioner, such information as the commissioner deems necessary.
 112 The commissioner may request that commercial shellfish harvesters of
 113 oysters and clams voluntarily report, upon forms provided by the
 114 commissioner, such information as the commissioner deems necessary.
 115 The information required to be reported or voluntarily submitted may
 116 include but is not limited to: The number of individuals employed by
 117 such person, the number and value of boats, nets, apparatus and other
 118 devices used, the area fished, the effort expended and the number,
 119 weight, market value and species of finfish, lobsters, oysters, clams, sea
 120 scallops, squid, [or] crabs, including horseshoe crabs or bait species
 121 caught, landed or purchased. Each person who holds a party boat,
 122 head boat or charter boat registration shall report to the commissioner,
 123 at such times and at such intervals as may be required and upon forms
 124 provided by the commissioner, such information as the commissioner
 125 deems necessary, which may include but is not limited to: The number
 126 of individuals carried for the purpose of fishing, the area fished, the
 127 effort expended, the number and weight by species of all finfish taken
 128 and, if any of the catch is sold by such person or by the captain or crew
 129 of such vessel, the number, weight, species and value of such finfish.

130 Sec. 3. Section 26-142a of the general statutes is repealed and the
 131 following is substituted in lieu thereof (*Effective October 1, 2003*):

132 (a) For the purposes of this section, an environmental tourism cruise
 133 vessel is one which is operated for a fee for the purpose of education
 134 and observation and retention of marine and estuarine resources
 135 collected under the conditions of the permit issued under this section,
 136 except that holders of a permit issued under section 26-60 shall not be

137 required to obtain a permit under this section. No person shall operate,
138 use or attempt to operate or use a vessel for commercial fishing or
139 landing activities authorized by this section unless the commissioner
140 has issued a vessel permit for such vessel to the owner of the vessel.
141 No person shall operate, use or attempt to operate or use a vessel or
142 commercial fishing gear for environmental tourism cruises authorized
143 by this section unless the commissioner has issued an environmental
144 tourism cruise permit for such vessel, including conditions for the use
145 of such fishing gear, to the owner of the vessel. No person shall use or
146 assist in using commercial fishing gear in any water of the state or land
147 in this state any species taken by commercial fishing gear or for
148 commercial purposes, regardless of where such species was taken,
149 unless such person has been licensed by the Commissioner of
150 Environmental Protection to use such commercial fishing gear or land
151 such species; except that any person who holds [a] any license to [set
152 or tend] use gill nets, [a license to take lobsters or fish for personal use,
153 a resident commercial fishing license, a nonresident commercial
154 fishing license or a commercial landing license may] lobster pots, trawl
155 nets, sea scallop dredges, seines, traps, fish pots, fykes, hook and line,
156 long lines or eel pots may, when using such gear types, be
157 accompanied and assisted by persons not so licensed. A resident of a
158 state which does not issue commercial licenses to take eels to residents
159 of Connecticut shall not be eligible to obtain a commercial license to
160 take eels in the waters of this state or to land eels in this state. No
161 vessel shall be used to land any finfish, lobsters, crabs, including blue
162 crabs and horseshoe crabs, sea scallops, squid or bait species for sale,
163 barter, exchange, consignment or transportation to any point of sale
164 unless an operator of the vessel is licensed for such purpose, except
165 that any person who holds a commercial fishing license issued by the
166 commissioner to fish by the method used to take such species,
167 regardless of where such species were taken, shall not be required to
168 obtain a landing license. No person shall take or attempt to take
169 lobsters or horseshoe crabs for personal use by hand or by scuba
170 diving or skin diving unless such person has been licensed by the

171 commissioner to take lobsters or horseshoe crabs by such methods. No
172 person shall take or attempt to take finfish for commercial purposes by
173 the use of hook and line, including, but not limited to, rod and reel,
174 hand line, set line, long line, or similar device unless such person has
175 been licensed by the commissioner to use such gear for commercial
176 purposes, except that notwithstanding the issuance of such a license,
177 no person shall take finfish for commercial purposes in the inland
178 district by the use of hook and line. The use of a purse seine or similar
179 device [to take species] is prohibited. The commissioner may adopt
180 regulations, in accordance with the provisions of chapter 54, to
181 conserve the menhaden fishery and such regulations may provide for a
182 moratorium on the taking of menhaden for any period of time that the
183 commissioner deems necessary. No pound net shall be used to take
184 finfish unless such pound net is registered with the commissioner.
185 Lobsters and blue crabs taken in pound nets shall be released
186 unharmed. No person shall buy for resale finfish, lobsters, crabs,
187 including blue crabs and horseshoe crabs, sea scallops or squid landed
188 in Connecticut from any commercial fisherman unless such buyer [has]
189 and commercial fishermen have been licensed by the commissioner. A
190 licensed commercial fisherman who acts as a seafood dealer, as
191 defined in section 26-1, as amended by this act, is not required to also
192 be licensed as a seafood dealer in order to purchase finfish, lobsters,
193 crabs, including blue crabs and horseshoe crabs, sea scallops or squid
194 landed in the state. No person shall take [or assist in taking] blue crabs
195 for commercial purposes except by scoop net, hand line or manually
196 operated and personally attended devices approved by the
197 commissioner and unless such person has been licensed by the
198 commissioner. No person shall operate a charter boat, party boat or
199 head boat for the purpose of fishing unless such boat has been
200 registered for such purpose with the commissioner and such person
201 holds a current passenger-for-hire license issued by the United States
202 Coast Guard. The owner, operator or captain of any such boat may sell
203 the boat's or crew's share of any [catch] tuna species if such sale is not
204 prohibited on the basis of species, size or closed season. For the

205 purposes of this chapter, a charter boat, party boat or head boat is a
206 vessel [carrying one or more crew members and which is] operated for
207 a fee for the purpose of transporting and providing a fishing platform
208 for sport fishermen, [in the marine district] taking marine species in
209 Connecticut waters or landing marine species at Connecticut ports
210 regardless of where such species are taken. The commissioner may by
211 regulations adopted in accordance with the provisions of chapter 54
212 exempt certain minnow seines, cast nets, scoop nets, traps, eel pots,
213 seines less than thirty feet in length or any similar device used to take
214 bait species and other species for personal use under a sport fishing
215 license in the inland district and without a license in the marine
216 district. No vessel used to take bait species may employ a fish pump.
217 Persons licensed, registered or issued a permit to engage in activities
218 authorized by this subsection shall carry on their persons or in the
219 vessel being used to engage in such activity the permit, license or
220 registration covering such activity.

221 (b) The commissioner shall issue fishing licenses, vessel permits and
222 registrations to qualified applicants upon the submission of an
223 application, on forms provided by the commissioner, containing such
224 information as prescribed by the commissioner, and upon the payment
225 of such license, registration or permit fees as are required by
226 subsection (c) of this section, except that a nonresident whose permit,
227 license or registration in the state of residence has been voided or
228 suspended shall have the Connecticut permit, license or registration
229 voided or suspended during the suspension of such out-of-state
230 permit, license or registration or until another permit, license or
231 registration is obtained in the state of residence. The commissioner
232 shall not issue any fishing license or registration or vessel permit to
233 any applicant who has not met the reporting requirements of section
234 26-157b. No vessel permit shall be issued to any person for any vessel
235 during the time period that such vessel permit has been revoked
236 pursuant to subsection (f) of this section. Any fishing license or
237 registration or vessel permit issued by the commissioner shall be
238 nontransferable and shall expire on the thirty-first day of December

239 next following its issuance.

240 (c) The fee for the following fishing licenses and registrations and
241 for a commercial fishing vessel permit shall be: (1) For a license to take
242 blue crabs for commercial purposes, seventy-five dollars; (2) for a
243 license to take lobsters for personal use, but not for sale, (A) by the use
244 of not more than ten lobster pots, traps or similar devices provided
245 finfish may be taken incidentally during such use if taken in
246 accordance with recreational fishery creel limits adopted under section
247 26-159a and if taken for personal use and not for sale, or (B) by skin
248 diving, scuba diving or by hand, sixty dollars; (3) for a license to take
249 lobsters, fish or crabs, other than blue crabs for personal use or for sale,
250 by the use of more than ten lobster pots or similar devices, one
251 hundred fifty dollars for residents of this state and two hundred
252 twenty-five dollars for nonresidents, provided any such license issued
253 to a resident of a state that does not issue commercial licenses
254 conferring the same authority to take lobsters to residents of
255 Connecticut shall be limited to the taking of crabs, other than blue
256 crabs, and a nonresident shall not be issued such license if the laws of
257 the nonresident's state concerning the taking of lobster are less
258 restrictive than regulations adopted pursuant to section 26-157c; (4) for
259 a license to take lobsters, crabs other than blue crabs, squid, sea
260 scallops and finfish, for personal use or for sale, by the use of more
261 than ten lobster pots or similar devices, or by the use of any otter trawl,
262 balloon trawl, beam trawl, sea scallop dredge or similar device, two
263 hundred twenty-five dollars for residents of this state and one
264 thousand two hundred fifty dollars for nonresidents, provided any
265 such license issued to residents of states which do not issue
266 commercial licenses conferring the same authority to take lobsters to
267 residents of Connecticut shall be limited to the taking of crabs other
268 than blue crabs, squid, sea scallops and finfish by the use of any otter
269 trawl, balloon trawl, beam trawl, sea scallop dredge or similar device,
270 and a nonresident shall not be issued such license if the laws of the
271 state of residency concerning the taking of lobster are less restrictive
272 than regulations adopted under the authority of section 26-157c; (5) for

273 a license to set [.] or tend [or assist in setting or tending] gill nets,
 274 seines, scap or scoop nets used to take American shad, one hundred
 275 dollars; (6) for the registration of each pound net or similar device used
 276 to take finfish, two hundred twenty-five dollars, provided persons
 277 setting, operating, tending or assisting in setting, operating or tending
 278 such pound nets shall not be required to be licensed; (7) for a license to
 279 set or tend gill nets, [to tend or assist in setting or tending] seines,
 280 traps, fish pots, cast nets, fykes, scaps, scoops, eel pots or similar
 281 devices to take finfish other than American shad or bait species for
 282 commercial purposes, or, in any waters seaward of the inland district
 283 demarcation line, to take finfish other than American shad or bait
 284 species for commercial purposes by hook and line, or to take horseshoe
 285 crabs by hand, one hundred fifty dollars for residents of this state and
 286 two hundred dollars for nonresidents, and any such license obtained
 287 for the taking of any fish species for commercial purposes by hook and
 288 line, in excess of any creel limit adopted under the authority of section
 289 26-159a, three hundred dollars for residents of this state and five
 290 hundred dollars for nonresidents, provided for the taking for bait of
 291 horseshoe crabs only, this license may be issued without regard to the
 292 limitations in section 26-142b to any holder of a Department of
 293 Agriculture conch license who held such license between January 1,
 294 1995, and July 1, 2000, inclusive; (8) for a license to set [.] or tend [or
 295 assist in setting, operating or tending] seines, traps, scaps, scoops,
 296 weirs or similar devices to take bait species in the inland district for
 297 commercial purposes, fifty dollars; (9) for a license to set [.] or tend [or
 298 assist in setting, operating or tending] seines, traps, scaps, scoops or
 299 similar devices to take bait species in the marine district for
 300 commercial purposes, fifty dollars; (10) for a license to buy finfish,
 301 lobsters, crabs, including blue crabs and horseshoe crabs, sea scallops,
 302 squid or bait species for resale from any commercial fisherman
 303 licensed to take or land such species for commercial purposes,
 304 regardless of where taken, two hundred dollars; (11) for the
 305 registration of any party boat, head boat or charter boat used for
 306 fishing, two hundred fifty dollars; (12) for a license to land finfish,

307 lobsters, crabs, including blue crabs and horseshoe crabs, sea scallops,
308 squid or bait species, four hundred dollars; (13) for a commercial
309 fishing vessel permit, fifty dollars; (14) for a license to take menhaden
310 from marine waters for personal use, but not for sale, by the use of a
311 single gill net not more than sixty feet in length, fifty dollars; (15) for
312 an environmental tourism cruise vessel permit, fifty dollars, provided
313 the landing of any species regulated under Department of
314 Environmental Protection regulations is prohibited.

315 (d) The commissioner may determine for all waters of the state,
316 including the inland and marine districts, areas within which
317 commercial fishing gear may be set or used, the specifications and
318 dimensions of such commercial fishing gear, including materials,
319 length, depth, width, and size of mesh, the length of set lines or long
320 lines, the number and size of hooks, and, for all commercial fishing
321 and landing activities by persons issued either a commercial fishing
322 vessel permit or a license by the commissioner, regardless where such
323 activities take place, the species which may be taken, possessed or
324 landed, the seasons in which species may be taken, possessed or
325 landed, the number and size of finfish, squid and crabs, including blue
326 crabs, which may be taken, possessed or landed and the rules
327 regulating the use of commercial fishing gear, including hours or days
328 of use, and the number of licenses, permits or registrations which may
329 be issued. The commissioner may also order the emergency closure of
330 any fishery if such closure is necessary to conform to regulations
331 adopted under the Fishery Conservation and Management Act of 1976
332 (Public Law 94-265, as amended) or by other regional fisheries
333 management authorities.

334 (e) The commissioner may, during and for any reasonable period of
335 time prior to and after the spawning period of any inland or marine
336 game fish or food fish, close any portion of any inland or marine water
337 where any such fish congregate prior to or during the spawning
338 season.

339 (f) The commissioner shall revoke any commercial fishing vessel
340 permit issued under authority of subsection (b) of this section upon
341 conviction or upon the forfeiture of any bond taken upon any
342 complaint, for the following offenses: (1) Possession of ten or more
343 egg-bearing lobsters or lobsters from which the eggs have been
344 removed; (2) possession of either: (A) Ten or more lobsters less than
345 the minimum length if such lobsters constitute more than ten per cent
346 of the lobsters on board; or (B) fifty lobsters which are less than the
347 minimum length, whichever is the lesser amount; (3) possession of
348 either: (A) Twenty or more finfish of at least one species which are less
349 than the minimum length if such finfish constitute more than ten per
350 cent of the finfish on board for that species; or (B) one hundred finfish
351 of at least one species which are less than the minimum length,
352 whichever is the lesser amount; (4) for a second offense within seven
353 hundred and thirty days in violation of regulations relating to bottom
354 trawl nets adopted under this section; [26-142a;] (5) for a second
355 offense within seven hundred and thirty days for possession of finfish
356 or lobsters more than ten per cent in excess of possession limits
357 specified in regulations adopted under authority of section 26-157c or
358 26-159a. Said revocation period shall be for one hundred and eighty
359 days for a first offense, one year for a second offense, two years for a
360 third offense, and shall be permanent for a fourth offense. The
361 provisions of this subsection are in addition to and in no way derogate
362 from any other enforcement provision or penalty contained in any
363 other statute.

364 (g) Any person who violates any provision of this part relating to
365 commercial fishing vessel permits shall be fined no more than five
366 hundred dollars or imprisoned not more than thirty days or both, and
367 each violation of any provision of this section relating to commercial
368 fishing vessel permits shall constitute a separate offense.

369 (h) Notwithstanding the requirements of subsection (a) of this
370 section, no commercial fishing vessel permit shall be required for any
371 vessel used for the operation of an environmental tourism cruise, a

372 charter, party or head boat or for a vessel used for taking of lobsters for
373 personal use only, or a vessel used for taking inland or marine bait,
374 blue crabs, or American shad, or any vessel used in support of a vessel
375 issued a commercial fishing vessel permit and engaged in the
376 operation of a registered marine pound net.

377 Sec. 4. Section 26-142b of the general statutes is repealed and the
378 following is substituted in lieu thereof (*Effective October 1, 2003*):

379 (a) Notwithstanding any other provision of law, the Commissioner
380 of Environmental Protection [, from May 31, 1995, until December 31,
381 2003,] shall issue resident and nonresident commercial finfish licenses
382 and commercial fishing and lobster pot licenses under section 26-142a,
383 as amended by this act, only to persons who held [such a license or
384 registration] a commercial finfish license or a commercial fishing
385 license, respectively at any time from [January 1, 1980, to] June 1, 1995,
386 to December 31, 2002, inclusive, provided, if such license holder is
387 incapacitated or unable to operate a vessel, the commissioner may
388 reissue a license to a member of such license holder's immediate family
389 or to a member of such license holder's crew, as designated by such
390 license holder, on a temporary basis not to exceed the duration of such
391 incapacity or inability. Such temporary license shall be subject to the
392 provisions of section 26-142a, as amended by this act. [Upon the death
393 of a license holder or relinquishment of the license between October 1,
394 1999, and December 31, 2001, the commissioner, in accordance with the
395 provisions of this section, may issue a new license of the same type to a
396 member of such license holder's immediate family who shall be
397 designated by such license holder on the form provided by the
398 commissioner for application for, or renewal of, such license. Such
399 form shall include a space in which the designation may be indicated.
400 The commissioner shall allow transfers upon death or relinquishment
401 only in cases of transfers from license holders who fished in 1998 and
402 landed any amount of fish under a valid license issued by the
403 commissioner and in the twelve months immediately preceding the
404 date of the request. Such request shall be made to the commissioner in

405 writing. In the case of relinquishment of license, the original license
406 holder shall become ineligible to obtain a new or renewal license of
407 said type but shall be allowed to recover the license upon the death of
408 the recipient family member or the relinquishment of the license by the
409 recipient. For the purposes of this section, active fishing shall be
410 determined by inspection of commercial fishery catch data submitted
411 in accordance with section 26-157b. No transfer of a license may be
412 made while such license is under suspension. Immediate family shall
413 include spouses, parents, children, siblings, grandparents,
414 grandchildren, nieces, nephews or the spouses of any such family
415 member. Such reissued license shall be subject to the provisions of
416 section 26-142a. If such license holder has not designated a family
417 member to whom the license may be issued, one such family member
418 may apply in the manner otherwise provided by law in order to obtain
419 a license under section 26-142a.]

420 [(b) Notwithstanding the requirements of this section, from May 26,
421 2000, until October 1, 2003, an active commercial fishing license for
422 lobster issued pursuant to subsection (c) of section 26-142a, may, upon
423 notice to the commissioner, be transferred, without remuneration, to
424 any person who has not had a commercial fishing license, registration
425 or vessel permit suspended within the preceding twelve months or
426 revoked, provided the person transferring the license held the license
427 and landed lobsters in at least three calendar years between January 1,
428 1995, and October 1, 2003, and reported such lobster catch to the
429 commissioner pursuant to section 26-157b. The person to whom such
430 license is transferred shall be limited to the number of pots actively
431 fished and reported during said period, except that a transferee who
432 currently holds a commercial fishing license for lobster issued
433 pursuant to subsection (c) of section 26-142a shall be limited to the
434 number of pots actively fished and reported during said period under
435 either the currently held license or the transferred license, whichever is
436 greater.]

437 (b) The commissioner may authorize the transfer of an active

438 resident or nonresident commercial finfish license or commercial
 439 fishing or lobster pot license, issued pursuant to subsection (c) of
 440 section 26-142a, as amended by this act, provided the person
 441 transferring the license held the license and landed finfish, lobsters, sea
 442 scallops, crabs or squid in at least three of the four calendar years
 443 preceding the transfer request and reported such landings to the
 444 commissioner, pursuant to section 26-157b, as amended by this act, for
 445 at least thirty days in each year. Such landings must be verified by
 446 seafood dealer reports submitted pursuant to section 26-157b, as
 447 amended by this act. The recipient of a transferred license shall be
 448 limited to the number of lobster pots actively fished and reported by
 449 the person transferring the license, except a transferee who currently
 450 holds a commercial fishing license for lobster, issued pursuant to
 451 subsection (c) of section 26-142a, as amended by this act, shall be
 452 limited to the number of pots actively fished and reported during said
 453 period under either the currently held license or the transferred
 454 license, whichever is greater. The length of any commercial fishing
 455 vessel used by the recipient of a transferred license to fish with a trawl
 456 net in the waters of this state shall be not more than ten per cent
 457 greater than the length of the largest vessel used by the person
 458 transferring the license during said qualifying period.

459 [(c) Notwithstanding the provisions of this section, the
 460 commissioner may authorize the transfer of an active commercial
 461 fishing license for lobster provided the person transferring the license:
 462 (1) Does not meet the qualification for license transfer in subsection (b)
 463 of this section due to such person's own verified and substantiated
 464 medical circumstances; and (2) held the license, landed lobsters and
 465 reported such lobster catch to the commissioner pursuant to section 26-
 466 157b in at least one year during the period from January 1, 1995, to
 467 June 8, 1998, inclusive. The person to whom such license is transferred
 468 shall be limited to the number of pots actively fished and reported
 469 during said period by the person transferring the license.]

470 (c) The commissioner may authorize the transfer of an active

471 commercial finfish license or commercial fishing or lobster pot license,
472 pursuant to subsection (b) of this section, for a period of two years
473 from the date of death of such license holder.

474 (d) Upon transfer of a license, the original license holder shall
475 become ineligible to obtain a renewal of that license but may acquire a
476 new license through a subsequent license transfer.

477 (e) No transfer of a license under this section may be made while
478 any commercial fishery license, registration or vessel permit held by
479 the transferor or transferee is under suspension and no transfer shall
480 be authorized for any transferee who has had a commercial fishery
481 license, registration or vessel permit revoked or suspended within the
482 preceding twelve months.

483 (f) For the purposes of this section, an active commercial license
484 shall be one that has been renewed in the current year, and the number
485 of lobster pots actively fished shall be the maximum calculated
486 number of pots as established by the commissioner in regulations
487 adopted in accordance with chapter 54.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>

Statement of Purpose:

To clarify requirements of seafood dealers and provide for the transferring of certain commercial fishing licenses.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]